

it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said-recited acts and every clause, matter and thing therein contained be and the same are hereby repealed and made void.

Passed March 22, 1780.

CHAPTER CMV.

AN ACT FOR PROCURING A SUPPLY OF PROVISIONS AND OTHER NECESSARIES FOR THE USE OF THE ARMY.

(Section I, P. L.) Whereas the honorable the Congress of these United States have resolved that this state be called on to procure, within the present year, the following articles for the use of the army, viz.: Forty thousand barrels of flour, two hundred thousand bushels of Indian corn or other short forage equivalent, one thousand seven hundred tons of hay, fourteen thousand one hundred and eighty-nine bushels of salt and twenty-four thousand four hundred and twenty-three gallons of rum:

In order, therefore, to comply with the said requisition:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That for the purpose of carrying this act into effect there be appointed one commissioner of purchases in the city of Philadelphia and one in each county of this state by the president or vice-president in council, the persons so appointed to be resident in the city or county for which they are respectively appointed.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That each and every of the said commissioners before they enter upon the execution of their trust shall give such security for the faithful performance

thereof as the said council shall think proper and take the following oath or affirmation (which may be administered by any justice of the peace in the city or county for which the said commissioners shall be respectively appointed), to wit: I, A. B., do swear (or affirm) that I will diligently and faithfully, without favor, affection or partiality, execute the duty and trust reposed in me by an act of the general assembly of this commonwealth, entitled "An act for procuring a supply of provisions and other necessaries for the use of the army."

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall severally, in the city and each of the counties for which they are respectively appointed, be authorized and required to purchase all the wheat and wheat flour and other articles above enumerated which can be procured within the said city and several counties [respectively] for which they [are] chosen, and not elsewhere, at such price or prices as shall be ascertained and fixed in the manner which is hereinafter directed and appointed. And in case a sufficient quantity of wheat or other articles so required cannot be procured by purchase, that then and in that case any or either of the said commissioners having knowledge or cause to apprehend that any wheat or flour, rye, Indian corn or other necessaries so required are withheld from sale or public market, may and is hereby required to apply to the next justice of the peace and lodge such information with him, who, thereupon, is hereby authorized and required to issue his warrant, under his hand and seal, directed to the constable of the said township or district and two reputable freeholders, who shall, upon the receipt thereof proceed with the said commissioner to where such flour, grain or other stores is supposed to be and there to demand of the owner or other person having care thereof to admit such officer, freeholders and commissioners to view the same, and on his neglect or refusal so to do, it shall and may be lawful for the said constable, freeholders and commissioner, with such assistance as may be necessary, to break open, in the day time, any house, barn, outhouse, mill or storehouse, or other houses where such grain or flour may be suspected to be, and

seize and take into their possession all such wheat and wheat flour and other articles as above, whether found in the hands of millers, merchants, traders, farmers or others, leaving to the farmers as much as may be sufficient to support their families until the first day of August next after such seizure, and one-third of what shall be found in their possession over and above the same quantity and to all others sufficient only for the support of their families during the time aforesaid: Provided always, That no person or persons be allowed to retain the said one-third part over and above what is necessary for the support of his or their family unless the same be of his own raising or growth, and in case any debate shall arise as to what ought to be detained by the owner it shall be settled as the price is hereinafter directed to be.

(Section V, P. L.) Provided nevertheless, That if any or either of the said commissioners in pursuance of this act shall seize any wheat or other necessaries required by this act in the hands or possession of any tenant, being bona fide the rent reserved for said land, and due in wheat or other grain to the landlord, then and in that case it shall and may be lawful for the said tenant to pay or tender in payment to the said landlord or to his attorney all moneys so received for such wheat or other grain from said commissioner, such payment so made or tendered to be made shall be deemed good and available in law against all further suit or suits or other proceedings of the said landlord for or in recovery of any such rent or any part thereof, any law, custom or usage to the contrary notwithstanding.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners and each of them within the city or county for which they are respectively appointed be authorized and required to hire, or, if need be, to seize, any mill or mills for grinding the said wheat and to hire or seize as aforesaid any storehouses for the safe keeping the said wheat and flour, and to hire or, if need be, to impress any horses and carriages, boats and other vessels for transporting the same and to hire persons and procure materials for making sacks, barrels or other proper casks or boxes

for the containing or transporting the same; to hire fit persons for threshing out the wheat or other grain above mentioned, if it may be necessary, and in general to do all and everything which may be needful for the procuring, collecting and transporting the said wheat and flour and other above enumerated articles to such place or places as are hereinafter directed, and it shall and may be lawful for the said commissioners to seize and take all wheat, rye and flour that has been bought by quartermasters, commissaries, forage masters or their deputies or persons acting under them, and which is now lying in any mill or storehouse, paying them the money they have advanced thereon or assuming the payment to the persons of whom the said quartermasters or commissaries bought the same, provided they have not paid them, unless the said commissary shall, upon application made to him by the commissioner, render an account of the quantity of wheat, rye, flour or any other grain by him purchased and lying in said storehouse or mills and give sufficient assurance under his hand that the said wheat, rye and flour or other grain shall be in twenty days deposited in a proper magazine for the use of the army.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the price of such articles shall be ascertained and fixed by the said commissioner and party or, in case they cannot agree, by and with the assistance of such reputable third person not interested immediately in the price as may be appointed for that purpose by the next justice of the peace, and such price so fixed shall be paid in ready money or lawfully tendered before such wheat or flour or other articles as above so bought or seized shall be removed; and the said commissioners respectively shall take receipts in a proper book for that purpose for all moneys so paid, mentioning the quantity of such article or articles so bought or seized and the price of the same and the name of the person from whom bought or seized in words at length.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said wheat and flour and the shorts and bran and other enumerated articles, when collected by the said commissioners, or any of them, shall be

transported and delivered by them in such quantities and proportions and at such times and places as by the supreme executive council of this commonwealth shall from time [to time] be ordered and required so that the same may be conveyed and deposited in such place or places within his state as the commander-in-chief shall appoint and direct, and the commissioners shall employ proper wagons and carriages for transporting the said grain or flour, paying the wagoner or owner thereof by the hundred weight or bushel per mile, they finding their own forage or paying the commissioner for any forage he may from time to time supply them with in order to enable them to transport said grain or flour.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That each and every of the said commissioners shall cease and desist from purchasing and collecting wheat and flour and other articles by virtue of this act whenever they shall be ordered so to do by the supreme executive council, and the said council shall superintend the said purchase so as from time to time to direct, limit, restrain, dismiss or supercede the said commissioners of purchase, or any of them, as shall in their discretion best promote the public service and that the said commissioners and every of them be enjoined and required to make monthly returns to the said council of their proceedings and of the quantities of wheat and flour and other articles procured by them in pursuance of this act and shall settle their accounts annually and finally with the committee of accounts of the general assembly.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That any commissioner as aforesaid who shall, after purchasing the articles, or any of them, directed to be purchased by this act, clandestinely dispose of or sell or barter the same, or any part thereof, or shall deal on his own account, or on the account of any other person in any of the articles which he shall be directed to purchase by virtue of this act, or shall deal in any other article or make any purchase whatever (otherwise than as herein directed) with the money he may be intrusted with by virtue of this act or shall lend out the same, each commissioner so offending shall,

on conviction thereof, by proof of one or more witnesses before any court of quarter sessions, forfeit and pay double the value of the article so dealt in or the sum so lent as aforesaid.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the state treasurer, when he issues any of the money emitted by the act of this session for emitting money, to the commissioners agreeable to the orders of the supreme executive council shall number each half sheet on the margin and sign his name in words at length thereto, and each commissioner, at the settlement of his accounts, in case he has not paid the whole away in purchases, shall return the money remaining in his hands in the very identical sheets or half sheets he received under the penalty of forfeiting double the sum so remaining, to be recovered by action of debt.

[Section X.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, for their trouble and expense, exclusive of all costs for seizure, threshing, carting, boating, storage and grinding, shall be allowed two shillings for every barrel of flour, for every hundred bushels of short forage, fifteen shillings; for every ton of hay, seven shillings and six pence; for every hundred bushels of salt, fifteen shillings, and five shillings for every hundred gallons of rum or other spirits, and for all moneys expended in the employment of wagons, boats or carriages in transporting the same, two and a half per centum.

[Section XI.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all justices, sheriffs and other civil officers be and they are hereby enjoined and required to aid and assist the said commissioners and every of them to carry this law and the intention thereof into full and speedy effect.

[Section XII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That during the continuance of this act no quartermaster, forage master, commissary or any of their deputies or assistants or other officer on the staff of Congress be suffered or allowed to purchase any wheat or wheat flour or other of the above articles except for their own private consumption within this state, upon pain of forfeiting the value of the wheat or wheat flour or other article so by him or them

purchased, and that any or either of them offending herein shall and may be indicted in any court of quarter sessions of the peace in the said city [or] any county of this state, and, being convicted thereof, shall be adjudged to forfeit and pay to the amount of the value of the said article or articles so by him or them purchased, one-half to the use of the informer and the other half to the use of this commonwealth, on the trial of which indictment the said informer shall be received and admitted as a witness.

Passed March 23, 1780. See the note to the Act of Assembly passed January 2, 1778, Chapter 782.

CHAPTER CMVI.

AN ACT FURTHER TO CONTINUE SUCH PARTS OF AN ACT ENTITLED "AN ACT TO EMPOWER THE SUPREME EXECUTIVE COUNCIL AND JUSTICES OF THE SUPREME COURT TO APPREHEND SUSPECTED PERSONS, AND TO INCREASE THE FINES TO WHICH PERSONS ARE LIABLE FOR NEGLECTING TO PERFORM THEIR TOUR OF MILITIA DUTY," AS RELATES TO THE APPREHENDING OF SUSPECTED PERSONS."¹

(Section I, P. L.) Whereas the act, entitled "An act to empower the supreme executive council and justices of the supreme court to apprehend suspected persons, and to increase the fines to which persons are liable for neglecting to perform their tour of militia duty," passed the tenth day of October last, was, by another act passed on the twenty-seventh day of November last, continued for six months beyond the first limitation thereof, and the said extended term will shortly expired; and the powers and authorities by the said act given have been found useful, and it is proper the same be further extended:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said act, as far as

¹ Passed October 10, 1779, Chapter 865.